

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **USAGE MONITORING HVAC CONTROL SYSTEM**, the Specification of which:

- is attached hereto.
 was filed on August 22, 2001 as Application Serial No. 09/935,281.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent, United States provisional application(s), or inventor's certificate listed below and have also identified below any foreign application for patent, United States provisional application, or inventor's certificate having a filing date before that of the application on which priority is claimed: NONE.

PRIORITY APPLICATION(S)			Priority Claimed
(Number)	(Country)	(Date Filed)	Yes/No
(Number)	(Country)	(Date Filed)	Yes/No

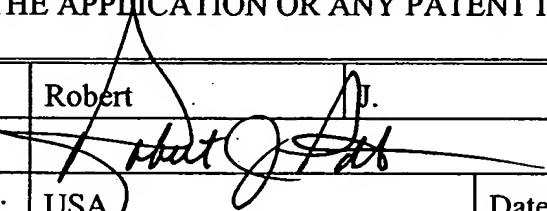
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below or any PCT international application(s) designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application: NONE.

(Application Serial No.) (Filing Date) (Status)

(Application Serial No.) (Filing Date) (Status)

I hereby direct that all correspondence and telephone calls be addressed to John J. Bruckner, Fulbright & Jaworski L.L.P., 600 Congress Avenue, Suite 2400, Austin, Texas 78701, (512) 474-5201.

I HEREBY DECLARE THAT ALL STATEMENTS MADE OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION OR ANY PATENT ISSUED THEREON.

Inventor's Full Name:	Robert J. 	Poth
Inventor's Signature:		
Country of Citizenship:	USA	Date: 10/23/2001
Residence Address: (street, number, city, state, and/or country)	4903 Westview Drive Austin, Texas 78731	
Post Office Address: (if different from above)		



UNITED STATES
PATENT AND
TRADEMARK OFFICE

MARCH 08, 2002

DOCKETED

APR 15 2002

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FULBRIGHT & JAWORSKI, L.L.P.
JOHN J. BRUCKNER
600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TEXAS 78701

Chief Information Officer
Washington, DC 20231
www.uspto.gov

MAR 22 2002



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UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/09/2002

REEL/FRAME: 012457/0294

NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

POTH, ROBERT J.

DOC DATE: 10/23/2001

ASSIGNOR:

MMI CONTROLS, LTD.
2211 HANCOCK DRIVE
AUSTIN, TEXAS 78756

SERIAL NUMBER: 09935281

FILING DATE: 08/22/2001

PATENT NUMBER:

ISSUE DATE:

ALLYSON PURNELL, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

01-16-2002

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FORM PTO-1595
(Rev. 6-93)

OMB No. 0651-0011 (exp. 4/94)

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PATENTS ONLY

U.S. Department of Commerce

Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original document or copy thereof.

1. Name of conveying party(ies):

Robert J. Poth

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

 Assignment Security Agreement Other Merger Change of Name

Execution Date: 10/23/01

2. Name and address of receiving party(ies):

Name: MMI Controls, Ltd.

Street Address: 2211 Hancock Drive

City: Austin State: TX Zip: 78756

Additional name(s) & address(es) attached? Yes No

4. Application number(s) or registration number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s):

09/935,281

B. Patent No.(s):

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: John J. Bruckner

FULBRIGHT & JAWORSKI, L.L.P.
600 Congress Avenue, Suite 2400

City: Austin State: Texas Zip: 78701

6. Total number of applications and patents involved: 1

7. Total fee (37 C.F.R. 3.41) \$ 40.00

 Enclosed Authorized to be charged to deposit account
if check insufficient or inadvertently omitted8. Deposit account number: 50-1212/10107036/JJB
(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

John J. Bruckner

10/30/2001

Name of Person Signing, Reg. No. 35,816

Signature

Date

Total number of pages including cover sheet, attachments and document.

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents and Trademarks, Box Assignment, Washington, D.C. 20231CERTIFICATE OF MAILING
37 C.F.R 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Box Assignment, Washington, DC 20231 on the date below.

October 30, 2001
Date

John J. Bruckner

01/16/2002 TDIAZI 00000043 09935281

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A S S I G N M E N T

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, do hereby:

SELL, ASSIGN AND TRANSFER to MMI Controls, Ltd. (the "Assignee"), having a place of business at 2211 Hancock Drive, Austin, TX 78756, the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. 09/935,281 which has been filed on August 22, 2001 and is entitled "**USAGE MONITORING HVAC CONTROL SYSTEM**", such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned
and extend to the successors, assigns and nominees of the Assignee.

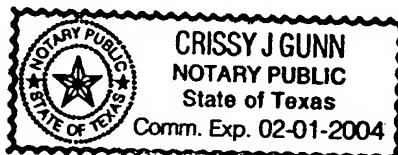
Signature: Robert J. Poth
Name: Robert J. Poth

Date: October 23, 2001

STATE OF Texas)
) ss.
COUNTY OF Travis)

BEFORE ME, the undersigned authority, on this 23rd day of October, 2001
personally appeared Robert J. Poth, known to me to be the person whose name is subscribed to
the foregoing instrument and acknowledged to me that he executed the same of his own free will
for the purposes and consideration therein expressed.

[SEAL]



Crissy J Gunn
Notary or Consular Officer

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Robert J. Poth

Serial No.: 09/935,281

Filed: August 22, 2001

For: USAGE MONITORING HVAC
CONTROL SYSTEM

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: MMIC:003/JJB

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73
AND POWER OF ATTORNEY

Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor.

The Assignee hereby revokes any previous Powers of Attorney and appoints:

Louis T. Pirkey, Reg. No. 22,393; David D. Bahler, Reg. No. 30,932; David L. Parker, Reg. No. 32,165; Richard J. Groos, Reg. No. 32,231; Stephen D. Dellett, Reg. No. 32,564; William G. Barber, Reg. No. 33,154; Michael S. Metteauer, Reg. No. 34,875; Mark B. Wilson, Reg. No. 37,259; Daniel J. Brennan, Reg. No. 37,287; Steven L. Highlander, Reg. No. 37,642; John J. Bruckner, Reg. No. 35,816; Erik R. Nordstrom, Reg. No. 39,792; Stephen P. Meleen, Reg. No. 40,724; Robert E. Hanson, Reg. No. 42,628; Thomas M. Boyce, Reg. No. 43,508; Michael C. Barrett, Reg. No. 44,523; Mark T. Garrett, Reg. No. 44,699; and Gina N. Shishima, Reg. No. 45,104;

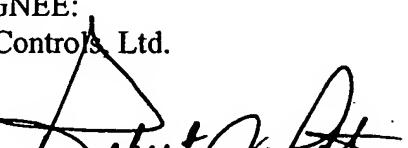
each an attorney or agent of the firm of FULBRIGHT & JAWORSKI L.L.P., as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to MMI Controls, Ltd., referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

John J. Bruckner
FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201

ASSIGNEE:
MMI Controls, Ltd.

By: 
Name: Robert J. Poth
Title: President

Date: October 23, 2001

ASSIGNMENT:

- Concurrently filed
 Previously recorded

Date: _____

Reel: _____

Frames: _____